

## **REMARKS**

In an Office Action dated January 21, 2004 received in connection with a corresponding continuation application, Serial No. 10/361,531, the Examiner rejected claims 30, 34, 35, 39, 44 and 45. These claims have been re-presented in part in the present application as claims 1-3, and 7-9. Additional new claims have also been added to this application.

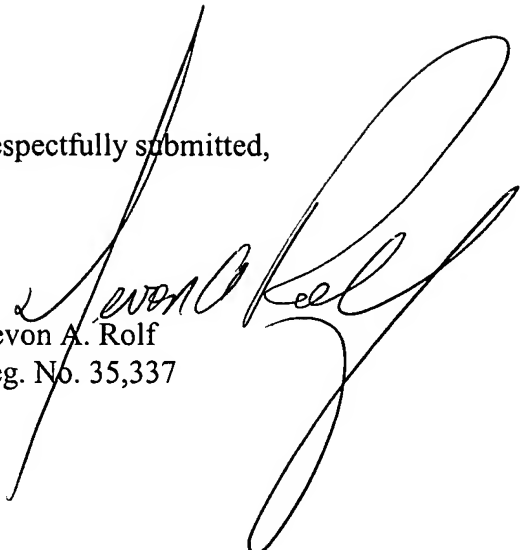
In the January 21, 2004 Office Action, the Examiner indicated that the claims in the prior continuation application were not given patentable weight because they included the terms "operable to" and "adapted to". These terms have been omitted from the claims of the present application. Therefore, the claims should be in allowable condition in this regard.

Applicant submits that all of the currently pending claims are allowable over all of the prior art references of record, and particularly U.S. Patent No. 5,574,649, to Levy. The claims of the present application recite a navigation device and method which permits a user to enter information about a first location and a second location and to create an elevation profiled therebetween without having to actually move between the first and second locations. In contrast, Levy and the other prior art references of record require that the user actually move between the first and second locations in order to create an elevation profile.

The present application also includes other claims which include limitations not found in the Levy patent and the other prior art references of record. Applicant therefore respectfully requests a Notice of Allowance of claims 1-14.

In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which might be due in connection with this application, or any overpayment, may be applied against Deposit Account No. 501-791.

Respectfully submitted,

  
Devon A. Rolf  
Reg. No. 35,337

Garmin International, Inc.  
1200 East 151<sup>st</sup> Street  
Olathe, KS 66062  
(913) 397-8200  
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